



COTTONWOOD HEIGHTS CITY
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

ADMINISTRATIVE HEARING AGENDA

August 4, 2021

NOTICE is hereby given that the Cottonwood Heights Community and Economic Development Director or designee will hold an Administrative Hearing Meeting on **Wednesday, August 4, 2021, beginning at 12:30 p.m.** in the Cottonwood Heights City Council Chambers located at 2277 E. Bengal Blvd., Cottonwood Heights, Utah 84121.

12:30 p.m. ADMINISTRATIVE HEARING MEETING

1.0 Business Items

1.1. (Project CUP-21-012)

Request from Kathryn Rohbock for a conditional use permit to operate a home occupation with clients (professional counseling business) at 7574 S. Cory Hill Cir.

2.0 Consent Agenda

2.1. Approval of Minutes for August 4th, 2021

(The Director will move to approve the above-mentioned minutes after the following process is met. The recorder will prepare the minutes and email them to the Director and present staff members. The Director and members will have five days to review the minutes and provide any changes to the recorder. If, after five days there are no changes, the minutes will stand approved. If there are changes, the process will be followed until the changes are made and the Director and members agree, at which time the minutes shall be deemed approved.)

3.0 Adjournment

Meeting Procedures

Items will generally be heard in the following order:

1. Staff Presentation
2. Applicant Presentation
3. Open Public Hearing (if item has been noticed for public hearing). Each speaker during the public hearing will be limited to three minutes.
4. Close Public Hearing
5. Community and Economic Development Director Deliberation
6. Community and Economic Development Director Decision

Administrative Hearing applications may be tabled if: 1) Additional information is needed in order to act on the item; OR 2) The Community and Economic Development Director feels there are unresolved issues that may need further attention before the Director is ready to make a decision. The Community and Economic Development Director may carry over agenda items to the next regularly scheduled meeting.

Submission of Written Public Comment

Written comments on any agenda item should be received by the Cottonwood Heights Community and Economic Development Department no later than the Tuesday prior to the meeting at noon. Comments should be emailed to sdeseelhorst@ch.utah.gov. After the public hearing has been closed, the Community and Economic Development Director will not accept any additional written or verbal comments on the application.

Notice of Compliance with the American Disabilities Act (ADA)

In compliance with the Americans with Disabilities Act, individuals needing special accommodations or assistance during this meeting shall notify the City Recorder at (801)944-7021 at least 24 hours prior to the meeting. TDD number is (801)270-2425 or call Relay Utah at #711.

Confirmation of Public Notice

On Friday, July 30th, 2021, a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Cottonwood Heights City Offices. The agenda was also posted on the City's website at www.cottonwoodheights.utah.gov and the State Public Meeting Notice website at <http://pmn.utah.gov>.

DATED THIS 30TH Day of July, 2021

Paula Melgar, City Recorder



ADMINISTRATIVE HEARING STAFF REPORT

Home Occupation with Clients: 7574 S. Cory Hill Cir.

Meeting Date: August 4, 2021

Staff Contact: Samantha DeSeelhorst, Associate Planner & Sustainability Analyst

Summary

Project #:

CUP-21-012

Subject Property:

7574 S. Cory Hill Cir.

Action Requested:

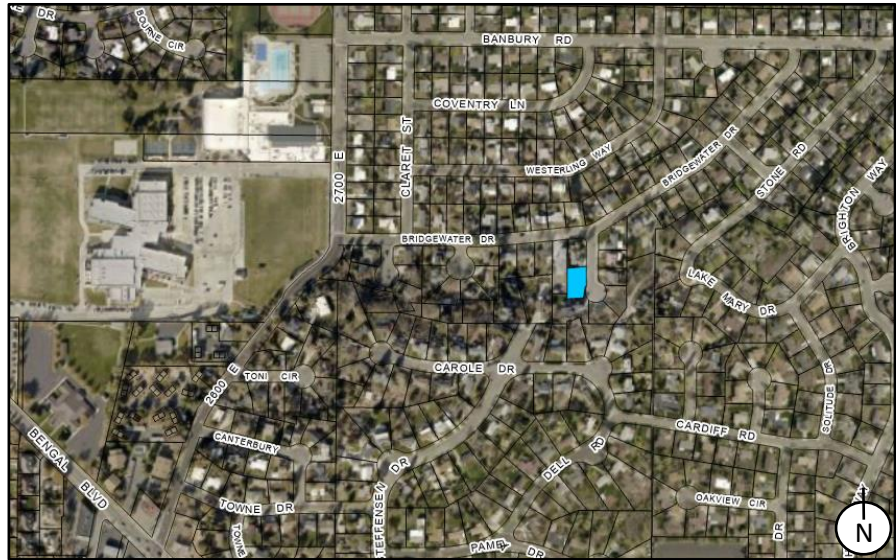
Conditional use approval to operate a counseling business with clients

Applicant:

Kathryn Rohbock

Recommendation:

Approve, with conditions



Aerial View

Context

Property Owners:

Skyler & Kathryn Rohbock

Parcel #:

2226376085

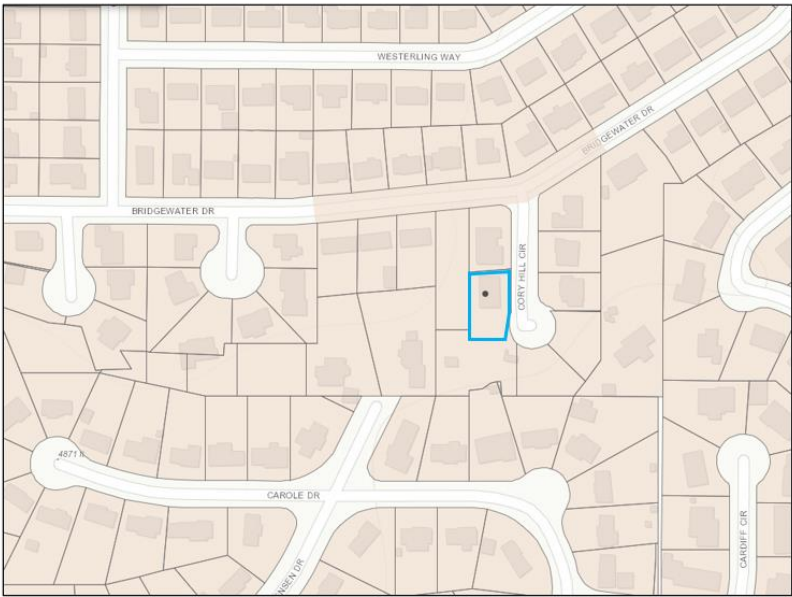
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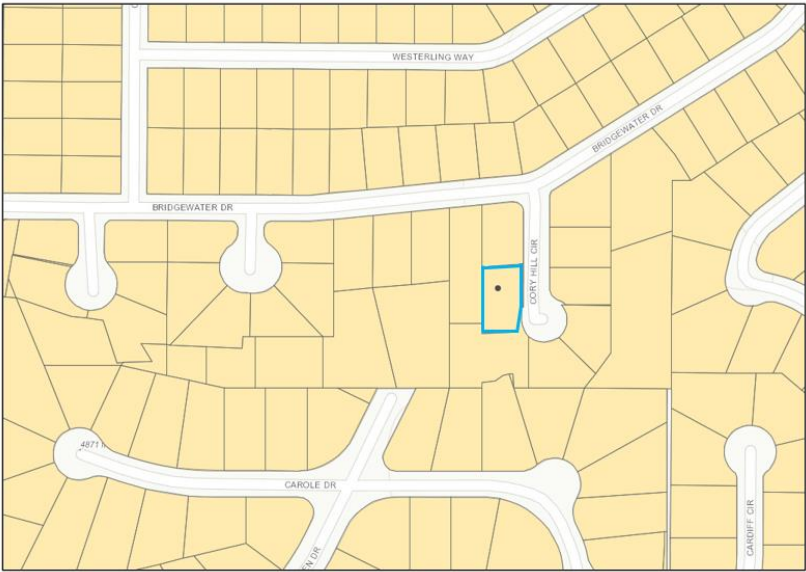


Front View

Zoning and Land Use



Residential Single-Family (R-1-8)



Residential Low Density

Analysis

Zoning

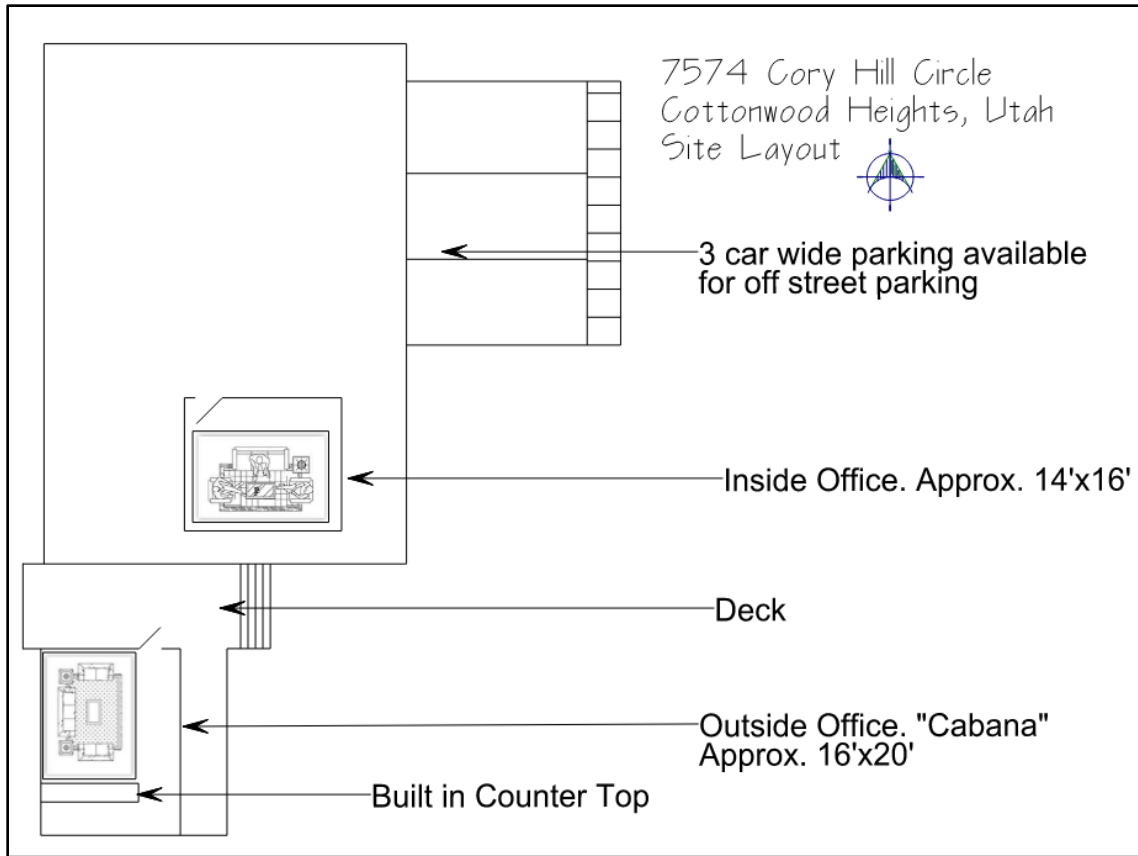
The zoning designation of the property is R-1-8 (Single-Family Residential). Home occupations with clients are listed as a conditional use in the R-1-8 zone, as referenced is 19.26.030.E. Home occupations are allowed only if the proposed business is clearly secondary and incidental to the primary use of the property as the applicant's permanent and full-time place of residence.

F. Home occupations.

- 1. "Home occupation" means, (unless otherwise provided in this code) any use conducted entirely within a dwelling and carried on by one person residing in the dwelling unit and one additional person who may, or may not, reside in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes, and in connection with which there is no display nor stock in trade, "stock in trade" being any item offered for sale which was not produced on the premises.*
- 2. The home occupation shall not include the sale of commodities except those produced on the premises; provided, however, that original or reproductions of works of art designed or created by the artist operating a home occupation may be stored and sold on the premises. "Reproduction of works of art" includes, but is not limited to printed reproduction, casting, and sound recordings.*
- 3. The home occupation shall not involve the use of any accessory building, yard space or activity outside the main building if the use of accessory buildings or outside activity, for the purpose of carrying on a home occupation, violates the rule of the use being clearly incidental and secondary to the use of the dwelling or dwelling purposes.*
- 4. The director shall determine whether additional parking, in addition to the two spaces required per dwelling unit, is required for a home occupation and shall also determine the number and location of such additional parking spaces.*
- 5. The director will review all home occupations for compliance with the above items. If the proposed home occupation cannot meet any one of the above items, the director shall not approve the home occupation.*

The applicant has submitted a floor plan showing that the use of the property for this proposed business is clearly incidental and secondary to the use of the property as a single-family dwelling. The business activities (counseling) will be limited to an indoor office which is approximately 224 sq. ft. and an outdoor patio which is approximately 320 sq. ft. The indoor office is less than 10% of the main home's floor area, and the outdoor patio is less than 10% of the yard space, leaving the vast majority of these areas dedicated to the property's main use of a single-family dwelling.

August 4, 2021



Proposed floorplan

Noticing

Property owners within 300 feet of the subject property were mailed notices at least 10 days prior to the public hearing, as required by 19.84.050.

Impact

Applicant Narrative

The applicant has submitted the following narrative to address potential impacts to the neighborhood:

The conditional use permit is being submitted in order to conduct professional counseling as a licensed clinical mental health counselor at 7574 S. Cory Hill Circle, Cottonwood Heights, UT 84121. The hours of operation for this business will be from 8:00 a.m. to 4:00 p.m., Monday-Thursday. The only employees will be myself and my husband who currently occupy the home. I intend to see up to six clients per a day. There is ample parking in the driveway in front of the 3-car garage. There will not be any regular deliveries or increase of noise in association with this business. Clients will come one at a time.

Conclusions – Recommended Findings for Approval

- The applicant's narrative addresses client parking, employees, hours of operation, and business floorplan. Based on the materials submitted with the application, staff finds that the proposed home occupation will be incidental and secondary to the use of the property as a single-family residence.
- An administrative hearing will be held in accordance with local and state requirements.

Recommendation

Staff recommends approval of the application with conditions:

Conditions of Approval

1. The applicant shall obtain and maintain an approved business license with Cottonwood Heights.
2. Customers must use provided off-street parking, as the business may not rely upon any on-street parking. Customers must be made aware of these parking restrictions.
3. Approval of this home occupation is subject to review upon complaint.
4. Signage must comply with all aspects of Cottonwood Heights City Code.
5. No more than one non-resident employee is permitted at this business.
6. The facility and its use shall comply with all applicable laws, rules, and regulations, including those instituted by the state, county, county health department or the city to mitigate the impact of the COVID-19 pandemic.

Model Motions

Approval

I move to approve project CUP-21-012, based upon the recommended findings for approval outlined in this staff report:

- List any other findings or conditions of approval...

Denial

I move to deny project CUP-21-012, based on the following findings:

- List findings for denial...

Attachments

1. Applicant Narrative

Written Narrative:

The conditional permit is being submitted in order to conduct professional counseling as a licensed clinical mental health counselor at 7574 S Cory Hill Dr, Cottonwood Heights, UT 84121. The hours of operation for this business will be from 8 am to 4 pm Monday through Thursday. The only employees will be myself and my husband who currently occupy the home. I intend to see up to 6 clients per day. There is ample parking in the driveway in front of the 3 car garage. There will not be any regular deliveries or increase of noise in association with this business. Clients will come one at a time.